

REMARKS

Applicant acknowledges that the Examiner has withdrawn all of the rejections of record from the October 9, 2003 Office Action.

Applicant thanks the Examiner for confirming via teleconference that the June 16, 2004 Office Action is non-final, and that the Office Action Summary page was incorrect.

Status of the Application

Claims 1-76 are all the claims pending in the Application. Claims 1-6, 10, 14-23 and 29-76 stand rejected. Claims 29 and 33 are hereby amended to correct errors in their respective dependencies.

Allowable Subject Matter

Applicant acknowledges the Examiner's indication that claims 7-9, 11-13 and 24-28 would be allowed if rewritten in independent form. However, Applicant respectfully requests that the Examiner hold in abeyance such rewriting until the Examiner has had an opportunity to reconsider (and withdraw) the prior art rejection of the other claims.

Indefiniteness Rejection

The Examiner has rejected claims 1, 14, 29, 35, 68, 69, 71, 72, 74 and 75 as allegedly being indefinite under 35 U.S.C. § 112, second paragraph.

Regarding claims 1, 14, 29, 35, 68, 69, 71, 72, 74 and 75, the Examiner has alleged: (1) that "it is not clear ... how the direct connection between port module and interface module [is] accomplished distinctively from the conventional synchronization;" and (2) that "it is not clear

how the negative limitation [of claim 69] would render the distinction over the conventional database system, which readily taught direct-connection between interface and port.”¹

However, Applicant respectfully submits that this rejection is improper. Specifically, the second paragraph of 35 U.S.C. § 112 (upon which the Examiner bases the instant rejection) indicates that the “specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.” As indicated in MPEP § 2173, in reviewing a claim for compliance with this paragraph, the examiner must consider the claim as a whole to determine “whether the claim apprises one of ordinary skill in the art of its scope.”

In this instance, the Examiner does not seem to argue that the claims do not apprise one of ordinary skill in the art of their scope. Rather, it seems that the Examiner is arguing that the rejected claims are indefinite because they are not distinctive from the prior art. This is not the correct standard, and therefore Applicant respectfully submits that the rejection of these claims is incorrect.

With respect to the differences between the claimed invention and the *Relevant Technology* of the Application, Applicant directs the Examiner to the following section.

In view of the above, withdrawal of the indefiniteness rejection is respectfully requested.

¹ Further regarding claim 29, as noted above, Applicant hereby amends claim 29 to correct its dependency and eliminate the antecedent basis informality identified by the Examiner.

Rejection Under Obviousness-Type Double Patenting

The Examiner has provisionally rejected claims 1-3, 18-20 and 76-79 as being unpatentable over claims 1-36 of US Patent Application 09/750,432 and claims 1-19 of US Patent Application 09/750,475.

As this is a provisional rejection, Applicant defers further comment.

Anticipation Rejection

The Examiner has rejected: (1) claims 1-6, 10, 14-16, 18-23, 30-33, 35-42 and 48-76 under 35 U.S.C. § 102(b) as being anticipated by what the Examiner alleges to be “Applicant’s Admitted Prior Art;” (2) claims 29, 41 and 43-47 under 35 U.S.C. § 103(a) as being unpatentable over what the Examiner alleges to be “Applicant’s Admitted Prior Art” in view of *Egbert et al.* (US 6,115,387; hereinafter “*Egbert*;” and (3) claims 17 and 14 under 35 U.S.C. § 103(a) as being unpatentable over what the Examiner alleges to be “Applicant’s Admitted Prior Art” in view of *Carino et al.* (US 5,930,786; hereinafter “*Carino*”). These rejections are respectfully traversed.

As an initial matter, there is no “Admitted Prior Art” in the instant Application. Rather, there is only an indication of “relevant technology.” Thus, Applicant herein refers to the portion of the Application cited by the Examiner as “*Relevant Technology*.” Further, although Applicant discusses the Examiner’s rejection vis-à-vis the *Relevant Technology* of the Application to illustrate the differences therebetween, Applicant does not accede that the *Relevant Technology* is prior art.

The Relevant Technology

The *Relevant Technology* (see pages 1-4 of the instant Application) indicates that a remote application, such as a web browser, may be used to query data from a database. To do

so, an interface module (such as IBM's Net.Data) may be used to translate between SQL used in the database and HTML used in the web browser.

When such an interface module is used alone, it receives a query from a browser, formats the query into SQL, interacts with the database, and then presents the data to the browser in HTML, thus performing a gateway function. However, this functionality is slowed because every time the interface module connects to the database, it must perform a set of time-consuming processes such as initialization, authorization, password confirmation.

One attempt to overcome such slowed functionality was to create a database manager to assist in synchronizing the connection of the interface modules with various ports of the database. However, such systems run all communications through a connection manager, which results in many miscommunications, synchronization problems, and bottlenecks between the user applications and the database.

The Instant Application

Thus, the instant Application: (1) eliminates the slowed functionality of previous systems that use only an interface module by also utilizing a connection manager; and (2) eliminates the troublesome communications passing through the connection manager by also establishing a direct connection between the interface module and a port module of the database.

Independent Claims 1, 18, 35 68, 71 and 74

The Examiner takes the position that the *Relevant Technology* discloses all of the features of independent claims 1, 18, 35, 68, 71 and 74.

However, Applicant respectfully submits that the *Relevant Technology* fails to teach or suggest: (1) “providing a connection manager to facilitate the interface between the interface module and the port module” and “establishing a direct connection between the interface module and the port module,” as recited in claims 1 and 18; (2) “a connection manager module configured to facilitate a direct interface between the interface module and the port module,” as recited in claim 35; (3) “providing a connection manager that facilitates a direct connection between respective ones of the plurality of interface modules and the plurality of port modules,” as recited in claims 68 and 71; or (4) “a connection manager module configured to facilitate a direct connection between respective ones of the plurality of interface modules and the plurality of port modules,” as recited in claim 74.

Specifically, as discussed above, the *Relevant Technology* only discusses two types of systems, both of which are different from that of the invention.

The first system utilizes only an interface module to translate between a browser and a database. Thus, it does not provide any feature that could reasonably be compared to the “connection manager” recited in the independent claims.

The second system utilizes a database manager, which connects an interface module to the database, and through which passes all communications between the interface module and the database. Thus, as the database manager is interposed between the interface module and the database, this system cannot reasonably be construed as providing any “direct connection” between any interface modules and port modules, as recited in the independent claims.

Thus, Applicant respectfully submits that independent claims 1, 18, 35, 68, 71 and 74 are patentable over the applied reference. Further, Applicant respectfully submits that rejected dependent claims 2-6, 14-17, 19-23, 29-34, 36-67, 69, 70, 72, 73, 75 and 76 are allowable, *at least* by virtue of their dependency.

Thus, Applicants respectfully request that the Examiner withdraw this rejection.

Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-76 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 1-76.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



Timothy P. Cremen

Registration No. 50,855

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 16, 2004